IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 956 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SS CHRISTIAN - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR SUNIL C PATEL for Petitioner(s) : 1,
MS ARCHANA RAVAL, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/05/2006

ORAL JUDGMENT

1.Learned AGP Ms. Archana Raval pointed out before the Court that there were large number of adverse remarks against the petitioner in his service record particularly last few years before the order of

premature retirement which is impugned in the present petition. She points out that earlier the petitioner was ordered to be retired prematurely on the basis of his poor service record. However, taking a sympathetic view, he was reinstated in service after which also his service did not improve. The authorities were therefore, justified in taking recourse to non penal premature retirement order.

2. Be that as it may be, she points out that the petitioner has expired on 20-08-2003. She places a copy of death certificate on record. No steps are taken by the heirs of the petitioner to join them as party in this petition. The petition is disposed of as having abated. Rule is discharged with order as to costs.

(Akil Kureshi,J.)

(raghu)